

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicants have amended claims 1, 12, 13, 15 and 17; and claims 5 and 16 have been canceled. Accordingly, claims 1-4, 6-15 and 17-19 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Examiner Objections - Drawings**

The Examiner objected to the drawings because Fig. 1, items 22, 24 and 26 point to nothing and are therefore confusing. The Applicants have amended Fig. 1 to terminate the arrows at the subject matter in which they are intended to denote. A Replacement Sheet is attached for the Examiner's review. The Examiner approval of the amended drawing is respectfully requested.

### **3.) Claim Rejections - 35 U.S.C. § 112**

The Examiner rejected claims 1-3, 5-6 and 8-11 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. The Applicants have amended the claim 1 to correct the antecedent basis for "the mobile terminal". The Examiner's consideration of the amended claims is respectfully requested.

Claims 2-3, 6 and 8-11 depend directly or indirectly from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Claim 5 has been canceled. Therefore, the allowance of claims 1-3, 5-6 and 8-11 is respectfully requested.

### **4.) Claim Rejections – 35 U.S.C. § 102(e)**

The Examiner rejected claims 1, 2, 4, 5, 9, 11, 12, 13 and 18 under 35 U.S.C. § 102(e) as being anticipated by Sauriol, et al. (US 2003/0125020) ("Sauriol"). The Applicants have amended independent claims 1 and 12 to better distinguish the claimed invention from Sauriol and have canceled claim 5. In particular, the novelty of the

present invention lies in the testing software being adapted to test the hardware and software blocks of a mobile terminal through the middleware services layer (i.e., the interface component), and the ability to re-use memory for the mobile terminal software applications after testing is complete (See amended claim 1: "wherein a code space occupied by the mobile-terminal application software may be overwritten after the testing of the mobile terminal has been completed" and amended claim 12: "deleting the mobile-terminal-test-application software from the mobile terminal"). In contrast, Sauriol speaks of "burning in" the data into electronic memory (see paragraph 0020 of Sauriol). Thus Sauriol does not disclose the ability to overwrite the data as in the present invention and hence, because Sauriol does not disclose a key element of amended claims 1 and 12, it does not anticipate amended claims 1 or 12.

Claims 2, 4, 9, and 11 depend from amended claim 1 and recite further limitations in combination with the novel elements of amended claim 1. Claims 13 and 18 depend from amended claim 12 and recite further limitations in combination with the novel elements of amended claim 12. Therefore, the allowance of claims 1, 2, 4, 9, 11, 12, 13, and 18 is respectfully requested.

#### **5.) Claim Rejections – 35 U.S.C. § 103(a)**

The Examiner rejected claims 3, 6-8, 10, 14-16 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Sauriol in view of O'Riordain (US 6,434,364) ("O'Riordain"). Claim 16 has been canceled. The Examiner further rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Sauriol in view of O'Riordain and further in view of Ozaki (US 2002/0032022). The Applicant files herewith a Declaration of Common Ownership pursuant to 35 U.S.C. 103(c)(1) to overcome the rejection under 103(a) based on O'Riordain. The Declaration of Common Ownership is sufficient evidence that the invention described in the application for patent and the invention described in the prior art reference applied against the application were commonly owned by, or subject to an obligation of assignment to, the same person, at the time the invention in the application for patent was made. Because O'Riordain has been disqualified as a reference under 35 U.S.C. 103(c), the allowance of claims 3, 6-8, 10, 14-15, 17 and 19 is respectfully requested.

**6.) Prior Art Not Relied Upon**

In paragraph 9 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. None of the cited references anticipate the present invention as set forth in the pending claims, nor do the cited references in combination suggest the present invention as set forth in the pending claims.

**CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-4, 6-15 and 17-19.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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